



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 696 (Substitute S-2 as reported)
Sponsor: Senator Bert Johnson
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to establish a duty for a person, firm, or corporation operating a hospital or pharmacy to report a burn injury to the arson or fire investigation unit of the village or city in which the facility was located or to the county sheriff if the facility were located outside of an incorporated village or city. The duty to report would apply if there were 1) evidence that a fire accelerant was used in the incident causing the burn injury, and 2) a reasonable suspicion that the person suffering from the injury committed arson. The duty to report also would apply if an interview with the victim created a reasonable suspicion that he or she committed arson.

In addition, a physician or surgeon who had under his or her charge or care a person suffering from a burn described above would have a duty to report.

The physician-patient privilege or a health professional-patient privilege would not be either a valid reason not to report a burn injury or a defense against a misdemeanor charge for failure to report.

Failure to report a burn injury would be a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.

A person who in good faith reported a burn injury as required by the bill would not be subject to civil or criminal liability for making the report.

The bill would take effect 90 days after its enactment.

MCL 750.411

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. An increase in misdemeanor arrests and convictions could place incremental resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

Date Completed: 2-29-16

Fiscal Analyst: Ryan Bergan
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